

EXHIBIT I

1846 Law Revision "... to prevent trespassing
with Guns"

[as printed in Revised Statutes of 1847]

STATUTES

OF THE

STATE OF NEW JERSEY.

REVISED AND PUBLISHED

Under the authority of the Legislature.



TRENTON:

PRINTED BY PHILLIPS & BOSWELL.

—
1847.

I hereby certify that the foregoing is a true copy
of the original record on file in the New Jersey
State Archives, Department of State.

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ered or brought down shall not be less than twenty-five cents on the first dog or bitch, and not less than fifty cents on a second one kept by the same person; and the said tax to be levied, collected, and applied as is directed in this act.

Marking re-
gulated.

11. *And be it enacted,* That from and after the passing of this act, no person or persons within this state shall put, or cause to be put, any artificial mark, by cutting off, or what is more usually termed cropping, both the ears of any sheep or cattle, nor shall they cut or crop either ear more than one inch from the tip end thereof, nor shall cut or half-crop both the ears of any sheep or cattle, nor on either ear more than one inch from the tip end as aforesaid, nor shall he or they have or keep in his or their possession any sheep or cattle, which they shall claim as their own, marked contrary to this act, unless they were so marked before the passing of this act, except they shall make it appear they were bought in market or of a stranger.

Penalty for
illegal mark-
ing.

12. *And be it enacted,* That any person or persons offending against the eleventh section of this act, on conviction thereof shall forfeit and pay two dollars, by the head, for all such sheep and cattle so by them marked or kept in their possession, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, one moiety to the overseers of the poor, for the use of the poor of the township where the offence shall have been committed, and the other moiety to the use of the person who shall prosecute the same to effect.

CHAPTER 3.

PRESERVATION OF GAME, ETC.

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| 1. Carrying guns, where prohibited.
2. Hunting deer, where prohibited.
3. If non-residents, what forfeiture.
4. Who deemed guilty.
5. What traps prohibited.
6. Setting loaded guns prohibited. | 7. Owners excepted.
8. Watching with guns at night,
where prohibited.
9. Season for killing deer.
10. Season for other game.
11. Remedy against non-residents. |
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REV. 25, 673. An Act for the preservation of deer and other game, and to prevent trespassing with guns.
1836-7.
PAMPH. 460.

1837-8.
PAMPH. 216.

Carrying
guns, where
prohibited. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That if any person or persons shall carry any

Revision...Approved April 16, 1846.

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gun on any lands not his own, and for which the owner pays taxes, TITLE II
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or is in his lawful possession, unless he hath license or permission
in writing from the owner or owners or legal possessor, every such
person so offending, and convicted thereof, either upon the view of
any justice of the peace within this state, or by the oath or affirm-
ation of one or more witnesses, before any justice of the peace
of either of the counties, cities, or towns corporate of this state, in
which the offender or offenders may be taken or reside, he or they
shall, for every such offence, forfeit and pay to the owner of the
soil or his tenant in possession the sum of five dollars, with costs of ~~forfeiture~~
suit; which forfeiture shall and may be sued for and recovered by
the owner of the soil or tenant in possession before any justice of
the peace in this state, for the use of such owner or tenant in pos-
session.

2. *And be it enacted,* That if any person shall hunt or watch for ^{Hunting} deer, where
deer with a gun, or set in any dog or dogs to drive deer or any ^{prohibited.}
other game, on any lands not his own, and for which the owner or
possessor pays taxes, or is in his lawful possession, unless he hath
license or permission in writing from such owner or owners or legal
possessor, every such person so offending, and being convicted
thereof in manner aforesaid, shall for every such offence forfeit and
pay to the owner of the soil or tenant in possession the sum of five ^{Forfeiture.}
dollars, with costs of suit; *provided*, that nothing herein contained
shall be construed to extend to prevent any person carrying a gun
upon the highway in this state.

3. *And be it enacted,* That if the person or persons offending ^{forfeiture, if}
against this act be non-residents of this state, he or they shall forfeit ^{non-resident}
and pay for every such offence fifteen dollars, and shall forfeit his
or their gun or guns to any person or persons who shall inform and
prosecute the same to effect, before any justice of the peace in
any county of this state, wherein the offender or offenders may be
taken or apprehended.

4. *And, for the better and more effectual conviction of offend-* ^{Who deemed}
ers against this act, be it enacted, That any and every person or ^{ed guilty.}
persons in whose custody shall be found, or who shall expose to
sale, any green deer-skins or fresh venison killed at any time after
the first day of January, and before the first day of September
aforesaid, and shall be thereof convicted by the oath or affirmation
of one or more credible witnesses, shall be deemed guilty of
offending against this act, and be subjected to the penalties of killing
deer out of season.

5. *And be it enacted,* That if any person or persons within this ^{what traps}
state shall set any trap, or other device whatsoever, larger than ^{prohibited.}

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Forfeiture. what is usually and commonly set for foxes and muskrats, such person setting such trap or other device shall pay the sum of fifteen dollars, and forfeit the trap or other device, and shall also be liable to make good all damages any person shall sustain by setting such trap or other device; and the owner of such trap or other device, or person to whom it was lent, shall be esteemed the setter thereof, unless it shall be proved on oath or affirmation what other person set the same, or that such trap or other device was lost by said owner or person to whom it was lent, and absolutely out of his power; and that the said trap or other device shall be broken and destroyed in the view and presence of the justice of the peace before whom they are brought.

Setting loaded guns prohibited. 6. *And be it enacted,* That if any person or persons within this state shall set any loaded gun in such manner as that the same shall be intended to go off or discharge itself, or be discharged by any string, rope, or other contrivance, such person or persons shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt by any person who shall sue for the same, and on non-payment thereof, shall be committed to the common jail of the county for six months.

Owners excepted. 7. *And be it enacted,* That nothing in this law shall be construed to extend to restrain the owners of parks or of tame deer from killing, hunting, or driving their own deer.

Watching with guns at night, where prohibited. 8. *And be it enacted,* That if any person or persons within this state shall watch with a gun on any unenclosed land within two hundred yards of any road or path, in the night-time, whether the said road is laid out by law or not, or shall stand or station him or themselves upon or within two hundred yards of any road as aforesaid, for shooting at deer driven by dogs, he or they so offending shall on conviction forfeit and pay the sum of fifteen dollars for every such offence, to be recovered by action of debt as aforesaid, and pay all damages.

Season for killing deer. 9. *And be it enacted,* That if any person or persons shall kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of August and the second day of January, yearly and every year, he, she, or they so offending shall forfeit and pay the sum of twenty dollars for each and every such offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence shall have been committed; one half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the

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remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township.

10. *And be it enacted*, That if any person or persons shall kill, destroy, or take any partridge, moorfowl, grouse, quail, or rabbit, except only between the first day of November and the tenth day of January, yearly and every year, or any woodcock, except only between the fifth day of July and the first of January, yearly and every year, he, she, or they so offending shall forfeit and pay, for every partridge, moorfowl, grouse, quail, rabbit, or woodcock, one dollar for each and every offence, to be sued for and recovered in an action of debt with costs of suit, by any person who shall sue for the same; and any person in whose hands or custody any partridge, moorfowl, grouse, quail, rabbit, or woodcock shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken, and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid; *provided never Proviso. theless*, that no such person or persons shall be prohibited from gunning on his or their own land.

11. *And be it enacted*, That if any person or persons not resident in this state shall offend against any of the provisions of the first section of this act, it shall and may be lawful for the owner or owners of the said lands, or the possessor or possessors thereof, to apprehend any and every such person or persons so offending, and take him or them before a magistrate as soon as conveniently may be, in order that he or they may be dealt with according to law; and every such person who may perform this service shall be entitled to the same assistance and protection, and subject to the same restrictions and liabilities, as a constable would be on the same occasion.

Remedy against non-residents.

CHAPTER 4.

PRESERVATION OF MUSKRATS.

1. When muskrats not to be killed. | 2. Penalty for illegal killing.

An Act for the preservation of muskrat fur.

H.A.B. 198.

Passed January 31, 1829.

1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it be killed.

When muskrats may not